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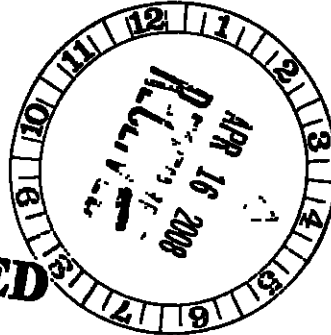
ENTERED
Office of Proceedings
APR 16 2008
Part of
Public Record

April 16, 2008

BY HAND DELIVERY

The Honorable Anne K. Quintan
Acting Secretary
Surface Transportation Board
395 E Street S W
Washington, DC 20423-001

FEE RECEIVED
APR 16 2008
**SURFACE
TRANSPORTATION BOARD**



Re STB Docket No AB-857 (Sub-No 1X) Great Western Railway of
Colorado, LLC -- Abandonment Exemption -- In Weld County,
Colorado

Dear Secretary Williams.

Attached for filing are the original and ten copies of a Notice of Exemption under 49 C F R 1152.50. Also attached is a check covering the \$3,200 filing fee.

Please time and date stamp the extra copy of the Notice of Exemption and return it with our messenger.

If you have any questions, please call me.

Sincerely,

Karl Morell

Enclosures

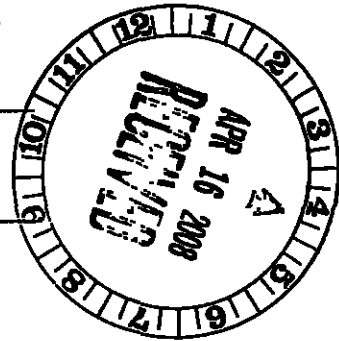
FILED
APR 16 2008
**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO AB-857 (SUB-NO 1X)

GREAT WESTERN RAILWAY OF COLORADO, LLC
– ABANDONMENT EXEMPTION –
IN WELD COUNTY, COLORADO

NOTICE OF EXEMPTION



Karl Morell
Of Counsel
Ball Janik LLP
1455 F Street, N W
Suite 225
Washington, D.C 20005
(202) 638-3307

Attorney for
Great Western Railway
Of Colorado, LLC

Dated April 16, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO AB-857 (SUB-NO 1X)

GREAT WESTERN RAILWAY OF COLORADO, LLC
– ABANDONMENT EXEMPTION –
IN WELD COUNTY, COLORADO

NOTICE OF EXEMPTION

Great Western Railway of Colorado, LLC ("GWRC") files this Verified Notice of Exemption pursuant to the class exemption at 49 C F R § 1152.50 to abandon its Welty Branch located between milepost 0.0 at Johnstown, Colorado and milepost 6.2 near Welty, Colorado, totaling approximately 6.2 miles (the "Line")

1. **Proposed consummation date**

The proposed consummation date is June 5, 2008

2. **Certification required by 49 C.F.R. § 1152.50(b)**

The required certification is attached to this Notice of Exemption as Exhibit A.

3. **Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8) and (e)(4)**

(a) General

(1) Exact name of the applicant.

Great Western Railway of Colorado, LLC

(2) Whether applicant is a common carrier by railroad subject to 49 U S C Subtitle IV, Chapter 105

GWRC is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought

GWRC seeks to use the class exemption at 49 C F R § 1152.50 to abandon its Welty Branch located between milepost 0.0 at Johnstown, Colorado and milepost 6.2 at Welty, Colorado, totaling approximately 6.2 miles. There has been no local traffic on the Line in over 20 years. The Line is stub-ended and not capable of handling overhead traffic.

(4) Map.

A map depicting the trackage covered by the proposed abandonment is attached as Exhibit B.

(5) Name, title, and address of representative of applicant to whom correspondence should be sent

**Karl Morell
Of Counsel
Ball Janik LLP
1455 F Street, N.W., Suite 225
Washington, D C. 20005
(202) 638-3307**

(8) List of all United States Postal Service Postal ZIP Codes the line proposed for abandonment traverses

The Line traverses ZIP Codes 80534 and 80513

- (e) Rural and community impact
- (4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would effect the transfer of title or use of property for other than rail purposes, this shall be disclosed.

The Line traverses a primarily rural area that has an adequate road and highway network. Therefore, there is little or no likelihood the rail corridor is needed for a transit or highway corridor. Some of the property underlying the right-of-way may be reversionary, which would affect the transfer of the property for other than rail or railbanking purposes.

4 The level of labor protection

The interests of the railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

5 Certification

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as Exhibit C.

6 Environmental Report.

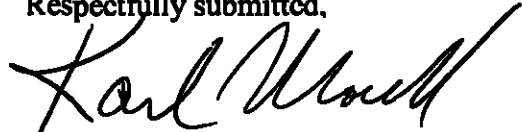
The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) is attached to this Notice of Exemption as Exhibit D. Based on the information in GWRC's possession, the Line does not contain federally

granted right-of-way Any documentation in the railroad's possession will be made promptly available to those requesting it

7 Historic Report.

The Historic Report containing information required by 49 C F R § 1105.8 is attached to this Notice of Exemption as Exhibit E

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karl Morell', written in a cursive style.

Karl Morell
Of Counsel
Ball Janik LLP
1455 F Street, N W
Suite 225
Washington, D C. 20005
(202) 638-3307

Attorney for
Great Western Railway
Of Colorado, LLC

Dated April 16, 2008

EXHIBIT A

VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS CRITERIA OF 49 C.F.R. SECTION 1152.50(b)

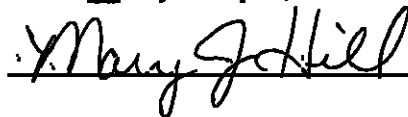
I, Michael J. Ogborn, being duly sworn depose and state that I am Manager of Great Western Railway, LLC ("GWRC"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief

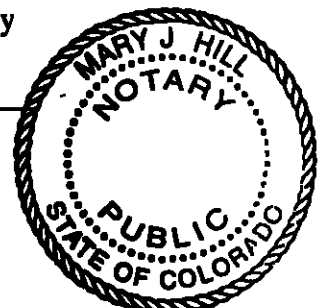
I hereby certify that no local or overhead traffic has been handled on GWRC's rail line located between milepost 0.0, at Johnstown, and milepost 6.2, near Welty, in Weld County, Colorado (the "Line") for at least two (2) years prior to the date hereof. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

The foregoing certification is made on behalf of GWRC by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned


Michael J. Ogborn

SUBSCRIBED AND SWORN TO before me this 11th day of April, 2008. My

Commission Expires: 11/01/08 : " 
Notary Public



My Commission Expires 11/01/2008

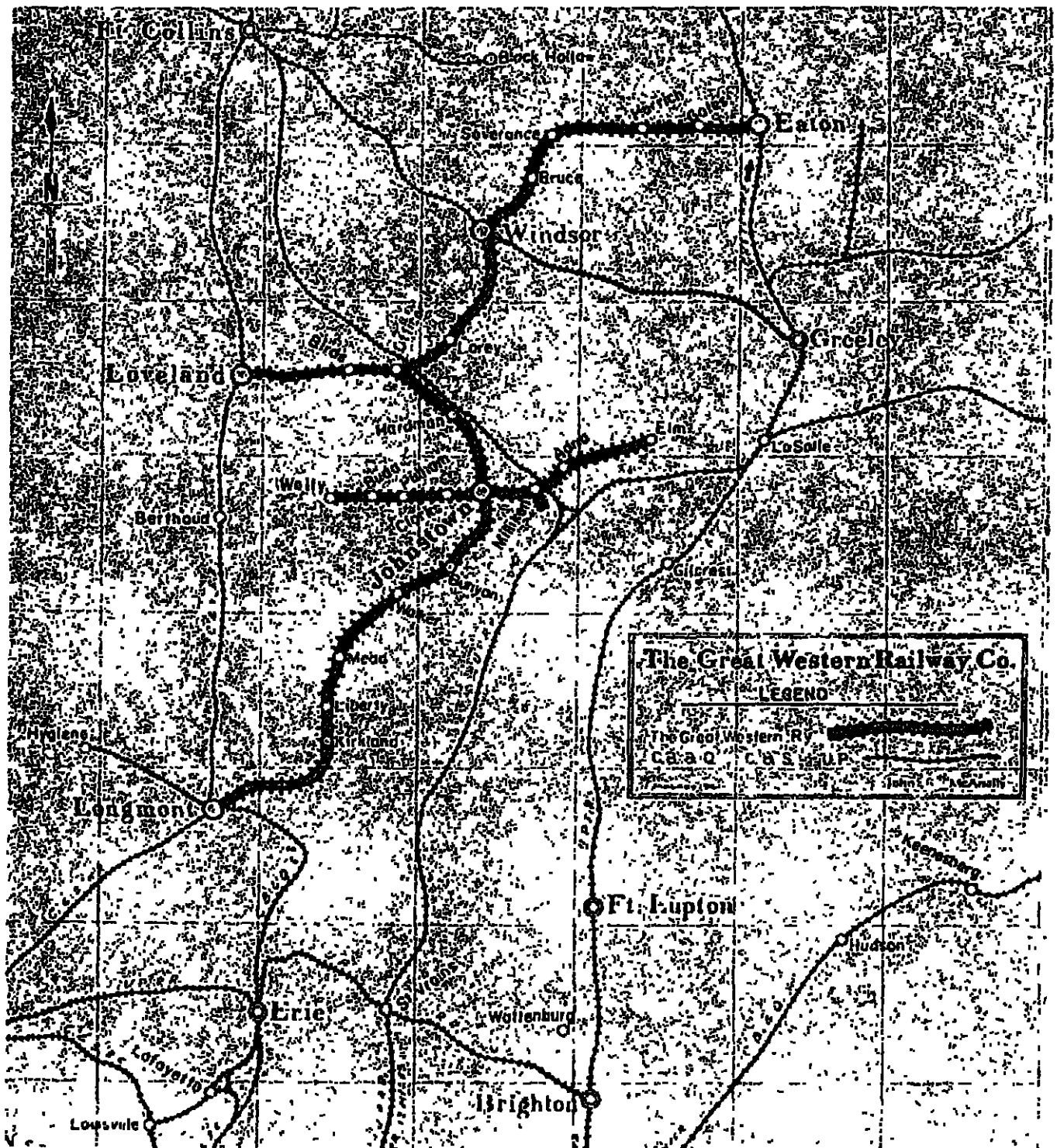


EXHIBIT B

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C F R § 1152 50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in STB Docket No AB-857 (Sub-No 1X) was mailed via first class mail on February 29, 2008, to the following parties

State Public Service Commission

**Colorado Transportation Commission
4201 East Arkansas Avenue
Denver, Colorado 80222-3406**

**Public Utilities Commission
State of Colorado
1560 Broadway
Suite 250
Denver, Colorado 80202**

Military Traffic Management Command

**MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd
Suite 130
Newport News, Virginia 23606-2574**

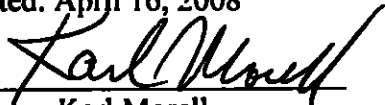
National Park Service

**U S Department of Interior
National Park Service
Recreation Resources Division
1849 C Street, N.W.
Washington, D C 20242-0001**

U S Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N W , Yates Building
201 14th Street, S W
Washington, D.C 20250

Dated. April 16, 2008


Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No AB-857 (Sub-No 1X) was advertised on March 2, 2008, in The Greeley Tribune, a newspaper of general circulation in Weld County, Colorado, as required by 49 C F R § 1105.12

Dated. April 16, 2008


Karl Morell

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in STB Docket No. AB-857 (Sub-No. IX) was mailed via first class mail on February 21, 2008, to the following parties

Colorado Department of Transportation
4201 E. Arkansas Avenue
Denver, Colorado 80222-3406

Public Utilities Commission
State of Colorado
1580 Logan Street
Office Level 2
Denver, Colorado 80203

Mr. Allen Green
State Conservationist
USDA Natural Resources Conservation Service
655 Parfet Street, Room E200C
Lakewood, Colorado 80215

Weld County Commissioners
P.O. Box 758
Greeley, Colorado 80632

United States Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129

Ms. Susan C. Linner
U.S. Fish and Wildlife Service
P.O. Box 25486, DFC (65412)
Denver, Colorado 80225-0486


Mr. Timothy T. Carey
U.S. Army Corps of Engineers
Omaha District
9307 South Wadsworth Boulevard
Littleton, CO 80128-6901

Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246

Ms Cheri Espersen
National Park Service
RTCA Program
1201 Eye Street, N W
9th Floor (Org Code 2240)
Washington, D C 20005

The National Geodetic Survey
Department of Commerce/NOAA
SSMC3
Station 9356
1315 East West Highway
Silver Springs, Maryland 20910

Date: April 16, 2008


Karl Morell

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C F R. § 1105 8(c), the undersigned hereby certifies that a copy of the Historic Report in STB Docket No AB-857 (Sub-No. 1X) was mailed via first class mail on February 21, 2008, to the following party.

Ms Georgianna Contiguglia
Office of Archaeology & Historic Preservation
1300 Broadway
Denver, Colorado 80203

Date: April 16, 2008


Karl Morell

EXHIBIT D

ENVIRONMENTAL REPORT (49 C.F.R. SECTION 1105.7)

DOCKET NO. AB-857 (SUB-NO. 1X)

GREAT WESTERN RAILWAY OF COLORADO, LLC – ABANDONMENT EXEMPTION – WELD COUNTY, COLORADO

1. *Proposed Actions and Alternatives.* Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in the current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Great Western Railway of Colorado, LLC ("GWRC") proposes to abandon its Welty Branch located between milepost 0 0 at Johnstown, Colorado and milepost 6 2, at Welty, in Weld County Colorado, totaling approximately 6 2 miles (the "Line"). Upon receipt of abandonment authority, GWRC intends to remove the rail, track materials, and cross ties

During the removal of the track and track materials, GWRC does not anticipate the use of any access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the GWRC right-of-way should be needed to facilitate the salvage operations. In addition, there are no plans of disturbing the underlying roadbed. There are no bridges to be removed and no surrounding waterways.

The Line has not been used for local traffic in over 20 years and no maintenance has been performed on any portion of the Line. The Line is stub-ended and not capable of handling overhead traffic. Therefore, the proposed abandonment will not change rail freight operations or maintenance practices on this Line.

The only alternative to abandonment would be to not abandon the Line and pass the opportunity costs of retaining the Line to all other GWRC customers. Obviously, this would not be a prudent use of GWRC's resources. The Line is in extremely poor condition.

A map of the proposed abandonment is attached as Exhibit 1.

2. *Transportation System.* Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of

traffic (passenger and freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No passenger or freight traffic will be diverted to other modes as a result of the proposed abandonment. No local traffic has moved over the Line in over 20 years and the Line is not capable of handling overhead traffic. Therefore, the proposed abandonment will have no adverse effects on local or regional transportation systems or patterns

3. Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on the consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 § and explain why.

(i) GWRC is confident that the proposed abandonment will be consistent with local land use plans. GWRC contacted the local government of Weld County. See Exhibit 2. To date, no response to this inquiry has been received. A copy of this Report is being supplied to the Weld County Commissioners for their information and comment.

(ii) GWRC contacted the Natural Resource and Conservation Service ("NRCS") and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 3. In its response, NRCS noted that the "potential impact on prime agricultural land will be none." See Exhibit 3.

(iii) The Line does not pass through a designated coastal zone.

(iv) The right-of-way involved does not appear to be suitable for alternative public use other than as a recreational trail since it is located, for the most part, in a rural, sparsely populated area. No State or local entity has expressed an interest in the right-of-way.

4. Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have no adverse effect on overall energy efficiency since no local traffic has moved over the Line in over 20 years and the Line is not capable of handling overhead traffic. Any traffic that previously moved over the Line has long ago been transferred either to other modes or other routings.

(iv) The proposed abandonment will not cause the diversion of any rail traffic to motor carriage since no local traffic has been handled over the Line in many years and the Line is not capable of handling overhead traffic

5. Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply. (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(1) The proposed abandonment will not result in meeting or exceeding these thresholds

(ii) The proposed abandonment will not result in meeting or exceeding these thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials

6. Noise. If any of the thresholds identified in item 5(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable

7. Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety.

(ii) The proposed abandonment will have no effect on the transportation of hazardous materials

(iii) GWRC is unaware of any hazardous waste sites or sites where hazardous spills have occurred on or along the right-of-way

8. Biological Resources. (i) Based on consultations with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) GWRC notified the U.S. Fish and Wildlife Service ("FWS") of the proposed abandonment and requested assistance in determining whether endangered or threatened species or areas designated as a critical habitat are likely to be adversely

affected *See Exhibit 4.* According to FWS, there is no designated critical habitat in Weld County. FWS also supplied GWRC a list of endangered and threatened species in Weld County but was unable to provide site-specific information *See Exhibit 4.* To the best of GWRC's knowledge, none of the identified species can be found directly on the right-of-way and given the nature of the planned salvage operation, it is very unlikely that any endangered or threatened species will be harmed. If, however, any of the endangered or threatened species is encountered during salvage operations, GWRC will consult further with FWS. A copy of this Report is being supplied to FWS for its information and further comment.

(ii) There are no wildlife sanctuaries or refuges, National or State parks or forests along the Line that would be adversely affected by the proposed abandonment. Nevertheless, GWRC contacted the National Park Service ("NPS") of the proposed abandonment and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See Exhibit 5.* NPS had no comments. *See Exhibit 5.* A copy of this Report is being supplied to NPS for its information and comment.

9. Water. (i) Based on consultation with the State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) GWRC is confident the proposed abandonment will not be inconsistent with applicable water quality standards. The Line does not cross any bodies of water and the salvage operations will have no impact on water quality in the area. Nevertheless, GWRC contacted the Colorado Department of Public Health and Environment ("CDPHE") and the U.S. Environmental Protection Agency ("EPA") concerning this matter requesting assistance in determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. *See Exhibit 6.* To date, no responses have been received. A copy of this Report is being supplied to CDPHE and EPA for their information and comment.

(ii) GWRC contacted the Corps of Engineers ("Corps") concerning these matters. *See Exhibit 7.* According to the Corps, the Line is not located in a designated floodplain. The Corps noted that the "only potentially jurisdiction waters of the United States near the line are the Hillsboro Ditch and a small ephemeral tributary that flows to the ditch." *See Exhibit 7.* The Hillsboro Ditch is located to the southeast of Johnstown whereas the Line extends from Johnstown to the west. At its closest location, the Line is approximately one mile from the Hillsboro Ditch. Consequently, GWRC believes the proposed abandonment will not require the issuance of any permits under Section 404 of

the Clean Water Act. A copy of this Report is being supplied to the Corps for its information and further comment.

(iii) GWRC believes the proposed abandonment will not require the issuance of any permit under Section 402 of the Clean Water Act. GWRC contacted the EPA concerning this matter and requested assistance in identifying any potential effects on applicable water quality standards and determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 6. To date, no response to this inquiry has been received. A copy of this Report is being supplied to the EPA for its information and comment.

10. *Proposed Mitigation.* Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

GWRC does not anticipate any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. GWRC will, of course, adhere to any remedial actions suggested by the recipients of this Report and required by the Board.

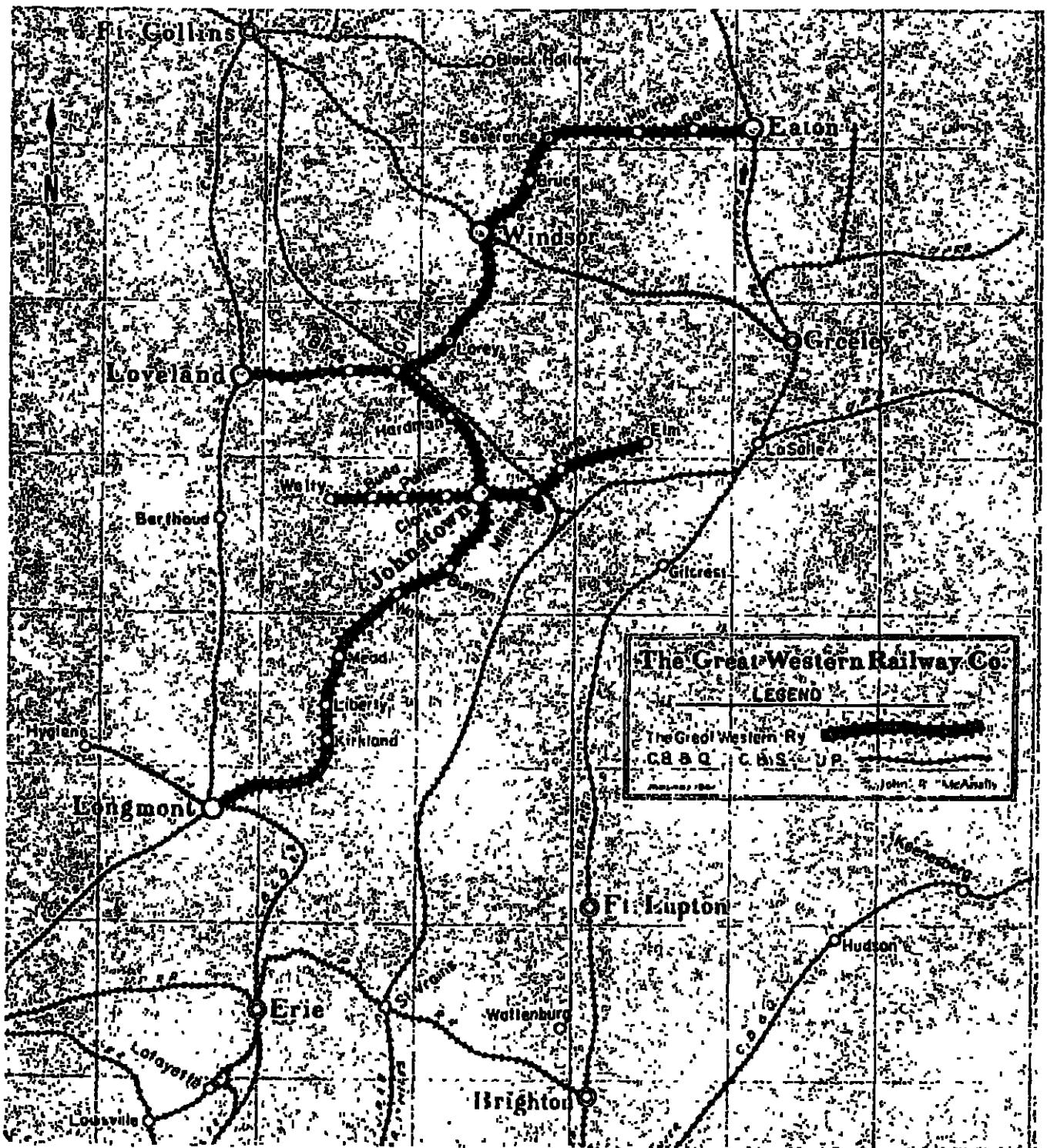


EXHIBIT 1

BALL JANIK LLP

A T T O R N E Y S

**1455 F STREET NW Suite 225
WASHINGTON D C 20005**

www.balljanik.com

**TELEPHONE 202-638-3307
FAX 202-783-6947**

**KARI MORRILL
OF COUNSEL**

kmorrill@bjllp.com

September 21, 2007

**Weld County Commissioners
P.O. Box 758
Greeley, CO 80632**

**RE: Docket No. AB-857 (Sub-No. 1), Great Western Railway of
Colorado, LLC –Abandonment Exemption—In Weld County,
CO**

Dear Sir/Madam

Great Western Railway of Colorado, LLC ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2007, for GWRC to abandon its 6.2-mile line of railroad located between milepost 0.0, at Johnstown, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on existing land use plans. We must determine whether the proposed abandonment is inconsistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.


BALL JANIK LLP

September 21, 2007

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me

Sincerely,

A handwritten signature in black ink, reading "Karl Morell". The signature is written in a cursive, flowing style with a large initial "K" and a long, sweeping underline.

Karl Morell

Attorney for.

Great Western Railway of Colorado, LLC

BALL JANIK LLP

A T T O R N E Y S

**1455 F STREET NW SUITE 225
WASHINGTON D C 20005**

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TELEPHONE 202-638-3307

FACSIMILE 202-783-6947

**KARI MORLEY
OF COUNSEL**

kari@balljanik.com

September 21, 2007

**State Conservationist
USDA Natural Resource Conservation Service
655 Parfet Street
Room E-200C
Lakewood, CO 80215-8000**

**RE: Docket No. AB-857 (Sub-No. 1), Great Western Railway of
Colorado, LLC --Abandonment Exemption--In Weld County,
CO**

Dear Sir/Madam

Great Western Railway of Colorado, LLC ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2007, for GWRC to abandon its 6.2-mile line of railroad located between milepost 0.0, at Johnston, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on prime agricultural land.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

BALL JANIK LLP

September 21, 2007

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Morell". The signature is fluid and cursive, with the first name "Karl" and last name "Morell" clearly distinguishable.

Karl Morell

Attorney for

Great Western Railway of Colorado, LLC

United States Department of Agriculture



Natural Resources Conservation Service
655 Parfet Street, Room E200C
Lakewood, Colorado 80215

NOV 15 2007

Mr. Karl Morell
Ball Janik LLP
1455 F Street NW, Suite 225
Washington, DC 20005

Re Docket No AB-857 (Sub-No 1), Great Western Railway of Colorado, LLC—Abandonment
Exemption—In Weld County, CO

Dear Mr Morell

This is in response to your letter dated September 21, 2007, on the proposed abandonment in
Weld County Based on the limited information received in regards to the location of this
proposal, we can only surmise that the potential impact on prime agricultural land will be none

Abandonment of the existing railroad corridor will not, of and by itself, have any impact on
adjoining agricultural lands

If you have any questions or concerns, please, call Gary Finstad, Resource Conservationist, at
(720)544-2820

Sincerely,

A handwritten signature in black ink that reads "Allen Green". The signature is fluid and cursive.

ALLEN GREEN
State Conservationist

Helping People Help the Land

An Equal Opportunity Employer and Provider

BALL JANIK LLP

A T T O R N E Y S

**1455 F STREET NW, Suite 225
WASHINGTON D C 20005**

www.balljanik.com

TELEPHONE 202-638-3307

FACSIMILE 202-783-0947

**KARL MORELL
OF COUNSEL**

kmorrell@bjllp.com

September 21, 2007

**U.S. Fish and Wildlife Service
P O. Box 25486
Denver Federal Center
Denver, CO 80225**

**RE: Docket No. AB-857 (Sub-No. 1), Great Western Railway of
Colorado, LLC --Abandonment Exemption--In Weld County,
CO**

Dear Sir/Madam:

Great Western Railway of Colorado, LLC ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2007, for GWRC to abandon its 6.2-mile line of railroad located between milepost 0.0, at Johnstown, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in determining whether it is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

BALL JANIK LLP

September 21, 2007

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Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Morell". The signature is fluid and cursive, with the first name "Karl" and last name "Morell" clearly distinguishable.

Karl Morell

Attorney for

Great Western Railway of Colorado, LLC



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
P O Box 25486, DFC (65412)
Denver, Colorado 80225-0486

IN REPLY REFER TO
ES/CO T&E/List
TAILS 65412-2007-TA-0004

Karl Morell
Attorney
Ball Janik LLP 1455 F Street, NW, Suite 225
Washington, D C 20005

OCT - 9 2007

Dear Karl Morell

This responds to your letter of September 21, 2007 concerning **Docket No. AB-857(Sub-No.1), Great Western Railway of Colorado, LLC – Abandonment Exemption – In Weld County, Colorado**. The enclosed list is presented under the authority conferred to the U S Fish & Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U S C 1531 *et seq*)

Enclosed is a list of federal endangered, threatened, proposed and candidate species occurring in Colorado. The list for Weld County may be used as a basis for determining species potentially present in the area. Due to staffing constraints, the Colorado Field Office cannot provide you with site-specific information or provide recommendations regarding options under the Endangered Species Act. There is no designated critical habitat in Weld County.

On February 2, 2005 the U S Fish and Wildlife Service issued a finding on a petition to delist Preble's. Because of the complexity involved, the Service has extended its original proposal. Until a final determination is made, Preble's remains protected under ESA.

If we can be of further assistance, please contact Adam Misztal, of the Colorado Field Office, at (303) 236-4753 or at email adam_misztal@fws.gov

Sincerely,

Susan C. Linner
Colorado Field Supervisor

Enclosure

Colorado Field Office County List

Updated August 2007

<p>Symbols.</p> <p>* Water depletions in the Upper Colorado River and San Juan River Basins, may affect the species and/or critical habitat in downstream reaches in other states</p> <p>▲ Water depletions in the South Platte River may affect the species and/or critical habitat in downstream reaches in other states</p> <p>© There is designated critical habitat for the species within the county</p> <p>T Threatened</p> <p>E Endangered</p> <p>P Proposed</p> <p>X Experimental</p> <p>C Candidate</p>		
<p><i>For additional information contact U S Fish and Wildlife Service, Colorado Field Office, PO Box 25486 DFC (MS 65412) Denver, Colorado 80225-0486 telephone 303-236-4773</i></p> <p><i>U S Fish and Wildlife Service Western Colorado Field Office, 764 Horizon Drive, Building B, Grand Junction, Colorado 81506, telephone 970-243-2778</i></p>		
Species	Scientific Name	Status
ADAMS		
Black-footed ferret	<i>Mustela nigripes</i>	E
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	I
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Piping plover ▲	<i>Charadrius melodus</i>	T
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	I
Ute ladies'-tresses orchid	<i>Spiranthes diluvialis</i>	I
Whooping crane ▲	<i>Grus americana</i>	E
ALAMOSA		
Black-footed ferret	<i>Mustela nigripes</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Southwestern willow flycatcher	<i>Empidonax traillii eximius</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
ARAPAHOE		
Black-footed ferret	<i>Mustela nigripes</i>	E
Least tern (interior population) ▲	<i>Sternula antillarum</i>	I
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E

Piping plover ▲	<i>Charadrius melodus</i>	T
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	I
Ute ladies'-tresses orchid	<i>Spiranthes diluvialis</i>	T
Whooping crane ▲	<i>Grus americana</i>	E
ARCHULETA		
Black-footed ferret	<i>Mustela nigripes</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Pagosa sky rocket	<i>Ipomopsis polyantha</i>	C
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	I
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
BACA		
Arkansas darter	<i>Etheostoma cragini</i>	C
Black-footed ferret	<i>Mustela nigripes</i>	E
Lesser prairie chicken	<i>Tympanuchus pallidicinctus</i>	C
BENT		
Arkansas darter	<i>Etheostoma cragini</i>	C
Black-footed ferret	<i>Mustela nigripes</i>	E
Least tern (interior population)	<i>Sternula antillarum</i>	E
Lesser prairie chicken	<i>Tympanuchus pallidicinctus</i>	C
Piping plover	<i>Charadrius melodus</i>	I
BOULDER		
Canada lynx	<i>Lynx canadensis</i>	I
Colorado butterfly plant	<i>Gaura neomexicana</i> spp. <i>coloradensis</i>	I
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	T
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	I
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	L
Piping plover ▲	<i>Charadrius melodus</i>	I
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	I
Slender moonwort	<i>Botrychium lineare</i>	C
Ute ladies'-tresses	<i>Spiranthes diluvialis</i>	I
Whooping crane ▲	<i>Grus americana</i>	E
BROOMFIELD		
Black-footed ferret	<i>Mustela nigripes</i>	E
Colorado butterfly plant	<i>Gaura neomexicana</i> spp. <i>coloradensis</i>	I
Least tern (interior population) ▲	<i>Sternula antillarum</i>	I
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	I

Piping plover ▲	<i>Charadrius melodus</i>	T
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	T
Ute ladies'-tresses orchid	<i>Spiranthes diluvialis</i>	T
Whooping crane ▲	<i>Grus americana</i>	E
CHIAFFEE		
Canada lynx	<i>Lynx canadensis</i>	T
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Uncompahgre fritillary butterfly	<i>Boloria acrocroma</i>	E
CHEYENNE		
Arkansas darter	<i>Etheostoma cragini</i>	C
Black-footed ferret	<i>Mustela nigripes</i>	E
Lesser prairie chicken	<i>Tympanuchus pallidicinctus</i>	C
CLEAR CREEK		
Bald eagle	<i>Haliaeetus leucocephalus</i>	T
Canada lynx	<i>Lynx canadensis</i>	T
Greenback cutthroat trout	<i>Oncorhynchus clarki stomas</i>	T
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Piping plover ▲	<i>Charadrius melodus</i>	T
Slender moonwort	<i>Botrychium lineare</i>	C
Whooping crane ▲	<i>Grus americana</i>	E
CONEJOS		
Black-footed ferret	<i>Mustela nigripes</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	T
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
COSTILLA		
Black-footed ferret	<i>Mustela nigripes</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
CROWLEY		
Arkansas darter	<i>Etheostoma cragini</i>	C
Black-footed ferret	<i>Mustela nigripes</i>	E
Least tern (interior population)	<i>Sternula antillarum</i>	E
Lesser prairie chicken	<i>Tympanuchus pallidicinctus</i>	C

Piping plover	<i>Charadrius melodus</i>	T
CUSTER		
Canada lynx	<i>Lynx canadensis</i>	T
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	T
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
DELTA		
Black-footed ferret	<i>Mustela nigripes</i>	E
Bonytail	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Clay-loving wild buckwheat	<i>Eriogonum pelinophilum</i>	E
Colorado pikeminnow©	<i>Ptychocheilus lucius</i>	E
Humpback chub	<i>Gila cypha</i>	E
Razorback sucker©	<i>Xyrauchen texanus</i>	E
Uinta Basin hookless cactus	<i>Sclerocactus glaucus</i>	T
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
DENVER		
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Pallid sturgeon▲	<i>Scaphirhynchus albus</i>	E
Piping plover▲	<i>Charadrius melodus</i>	T
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	T
Ute ladies'-tresses orchid	<i>Spiranthes diluvialis</i>	T
Whooping crane▲	<i>Grus americana</i>	E
DOLORES		
Bonytail*	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Humpback chub*	<i>Gila cypha</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Uncompahgre fritillary butterfly	<i>Boloria acrocnema</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
DOUGLAS		
Black-footed ferret	<i>Mustela nigripes</i>	E
Colorado butterfly plant	<i>Gaura neomexicana</i> spp. <i>coloradensis</i>	T
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	T
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Pallid sturgeon▲	<i>Scaphirhynchus albus</i>	E
Pawnee montane skipper	<i>Hesperia leonardus montana</i>	T

Piping plover ▲	Charadrius melodus	I
Preble's meadow jumping mouse ©	Zapus hudsonius preblei	T
Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane ▲	Grus americana	E
EAGLE		
Black-footed ferret	Mustela nigripes	E
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Humpback chub*	Gila cypha	E
Razorback sucker*	Xyrauchen texanus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
ELBERT		
Arkansas darter	Etheostoma cragini	C
Black-footed ferret	Mustela nigripes	E
Least tern (interior population) ▲	Sternula antillarum	E
Pallid sturgeon ▲	Scaphirhynchus albus	I
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse	Zapus hudsonius preblei	I
Whooping crane ▲	Grus americana	E
EL PASO		
Arkansas darter	Etheostoma cragini	C
Black-footed ferret	Mustela nigripes	E
Greenback cutthroat trout	Oncorhynchus clarkii stomias	I
Least tern (interior population) ▲	Sternula antillarum	I
Mexican spotted owl	Strix occidentalis lucida	I
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	I
Preble's meadow jumping mouse	Zapus hudsonius preblei	T
Slender moonwort	Botrychium lineare	C
Ute ladies'-tresses orchid	Spiranthes diluvialis	I
Whooping crane ▲	Grus americana	E
FREMONT		
Arkansas darter	Etheostoma cragini	C
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	I
Mexican spotted owl	Strix occidentalis lucida	I
GARFIELD		
Bonytail	Gila elegans	E

Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow©	<i>Ptychocheilus lucius</i>	E
De Beque phacelia	<i>Phacelia submutica</i>	C
Humpback chub	<i>Gila cypha</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Parachute beardtongue	<i>Penstemon debilis</i>	C
Razorback sucker©	<i>Xyrauchen texanus</i>	E
Uinta Basin hookless cactus	<i>Sclerocactus glaucus</i>	T
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
GILPIN		
Canada lynx	<i>Lynx canadensis</i>	T
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Piping plover ▲	<i>Charadrius melodus</i>	T
Whooping crane ▲	<i>Grus americana</i>	E
GRAND		
Bonytail*	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Humpback chub*	<i>Gila cypha</i>	E
Osterhout milkvetch	<i>Astragalus osterhoutii</i>	E
Penland beardtongue	<i>Penstemon penlandii</i>	E
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Slender moonwort	<i>Botrychium lineare</i>	C
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
GUNNISON		
Bonytail*	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	I
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Humpback chub*	<i>Gila cypha</i>	E
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Uncompahgre fritillary butterfly	<i>Boloria acrocnema</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
HINSDALE		
Bonytail*	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	I
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Humpback chub*	<i>Gila cypha</i>	I
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E

Uncompahgre fritillary butterfly	<i>Boloria acrocnema</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
HUERFANO		
Arkansas darter	<i>Etheostoma cragini</i>	C
Canada lynx	<i>Lynx canadensis</i>	T
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	I
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
JACKSON		
Canada lynx	<i>Lynx canadensis</i>	T
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
North Park phacelia	<i>Phacelia formosula</i>	E
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Piping plover ▲	<i>Charadrius melodus</i>	T
Whooping crane ▲	<i>Grus americana</i>	E
JEFFERSON		
Canada lynx	<i>Lynx canadensis</i>	I
Colorado butterfly plant	<i>Gaura neomexicana</i> spp. <i>coloradensis</i>	I
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	I
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Pawnee montane skipper	<i>Hesperia leonardus montana</i>	I
Piping plover ▲	<i>Charadrius melodus</i>	T
Preble's meadow jumping mouse ©	<i>Zapus hudsonius preblei</i>	T
Ute ladies'-tresses orchid	<i>Spiranthes diluvialis</i>	T
Whooping crane ▲	<i>Grus americana</i>	E
KIOWA		
Arkansas darter	<i>Etheostoma cragini</i>	C
Black-footed ferret	<i>Mustela nigripes</i>	E
Least tern (interior population)	<i>Sternula antillarum</i>	E
Lesser prairie chicken	<i>Tympanuchus pallidicinctus</i>	C
Piping plover	<i>Charadrius melodus</i>	I
KIT CARSON		
Black-footed ferret	<i>Mustela nigripes</i>	E
LAKE		
Canada lynx	<i>Lynx canadensis</i>	I
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	I
Penland alpine fen mustard	<i>Eutrema penlandii</i>	I
Slender moonwort	<i>Botrychium lineare</i>	C
Uncompahgre fritillary butterfly	<i>Boloria acrocnema</i>	E

LA PLATA		
Black-footed ferret	<i>Mustela nigripes</i>	E
Canada lynx	<i>Lynx canadensis</i>	F
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Knowlton cactus	<i>Pediocactus knowltonii</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Uncompahgre fritillary butterfly	<i>Boloria acrocynema</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
LARIMER		
Black-footed ferret	<i>Mustela nigripes</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Colorado butterfly plant	<i>Gaura neomexicana</i> spp. <i>coloradensis</i>	T
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	T
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
North Park phacelia	<i>Phacelia formosula</i>	E
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Piping plover ▲	<i>Charadrius melodus</i>	T
Preble's meadow jumping mouse©	<i>Zapus hudsonius preblei</i>	I
Ute ladies'-tresses orchid	<i>Spiranthes diluvialis</i>	T
Whooping crane ▲	<i>Grus americana</i>	E
LAS ANIMAS		
Arkansas darter	<i>Etheostoma cragini</i>	C
Black-footed ferret	<i>Mustela nigripes</i>	E
Canada lynx	<i>Lynx canadensis</i>	F
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
LINCOLN		
Arkansas darter	<i>Etheostoma cragini</i>	C
Black-footed ferret	<i>Mustela nigripes</i>	E
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Lesser prairie chicken	<i>Tympanuchus pallidicinctus</i>	C
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Piping plover ▲	<i>Charadrius melodus</i>	I
Whooping crane ▲	<i>Grus americana</i>	E
LOGAN		
Least tern (interior population) ▲	<i>Sternula antillarum</i>	F
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Piping plover	<i>Charadrius melodus</i>	T

Whooping crane▲	<i>Grus americana</i>	E
MESA		
Bonytail©	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow©	<i>Ptychocheilus lucius</i>	E
De Beque phacelia	<i>Phacelia submutica</i>	C
Humpback chub©	<i>Gila cypha</i>	E
Razorback sucker©	<i>Xyrauchen texanus</i>	E
Uinta Basin hookless cactus	<i>Sclerocactus glaucus</i>	I
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
MINERAL		
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Uncompahgre fritillary butterfly	<i>Boloria acrocnema</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
MOFFAT		
Black-footed ferret	<i>Mustela nigripes</i>	F
Bonytail©	<i>Gila elegans</i>	F
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow©	<i>Ptychocheilus lucius</i>	E
Humpback chub©	<i>Gila cypha</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	I
Razorback sucker©	<i>Xyrauchen texanus</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
MONTEZUMA		
Black-footed ferret	<i>Mustela nigripes</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Mancos milkvetch	<i>Astragalus humillimus</i>	E
Mesa Verde cactus	<i>Sclerocactus mesae-verdae</i>	I
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Sleeping Ute milkvetch	<i>Astragalus tortipes</i>	C
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
MONTROSE		
Black-footed ferret	<i>Mustela nigripes</i>	E

Bonytail*	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Clay-loving wild buckwheat	<i>Eriogonum pelinophilum</i>	F
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Humpback chub*	<i>Gila cypha</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Uinta Basin hookless cactus	<i>Sclerocactus glaucus</i>	T
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
MORGAN		
Black-footed ferret	<i>Mustela nigripes</i>	E
Least tern (interior population)	<i>Sternula antillarum</i>	E
Pallid sturgeon▲	<i>Scaphirhynchus albus</i>	E
Piping plover	<i>Charadrius melodus</i>	T
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	F
Ute ladies'-tresses orchid	<i>Spiranthes diluvialis</i>	F
Whooping crane▲	<i>Grus americana</i>	E
OTERO		
Arkansas darter	<i>Etheostoma cragini</i>	C
Black-footed ferret	<i>Mustela nigripes</i>	E
Least tern (interior population)	<i>Sternula antillarum</i>	E
Piping plover	<i>Charadrius melodus</i>	T
OURAY		
Bonytail*	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Humpback chub*	<i>Gila cypha</i>	E
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Uncompahgre fritillary butterfly	<i>Boloria acrocnema</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
PARK		
Canada lynx	<i>Lynx canadensis</i>	T
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	T
Least tern (interior population)▲	<i>Sternula antillarum</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Pallid sturgeon▲	<i>Scaphirhynchus albus</i>	F
Pawnee montane skipper	<i>Hesperia leonardus montana</i>	T
Penland alpine fen mustard	<i>Lutrema penlandii</i>	T
Piping plover▲	<i>Charadrius melodus</i>	F
Uncompahgre fritillary butterfly	<i>Boloria acrocnema</i>	F
Whooping crane▲	<i>Grus americana</i>	E

PHILLIPS		
None		
PITKIN		
Bonytail*	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Humpback chub*	<i>Gila cypha</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Uncompahgre fritillary butterfly	<i>Boloria acrocnema</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
PROWERS		
Arkansas darter	<i>Etheostoma cragini</i>	C
Black-footed ferret	<i>Mustela nigripes</i>	E
Least tern (interior population)	<i>Sternula antillarum</i>	E
Lesser prairie chicken	<i>Tympanuchus pallidicinctus</i>	C
Piping plover	<i>Charadrius melodus</i>	I
PUEBLO		
Arkansas darter	<i>Etheostoma cragini</i>	C
Black-footed ferret	<i>Mustela nigripes</i>	F
Canada lynx	<i>Lynx canadensis</i>	I
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	T
Mexican spotted owl	<i>Strix occidentalis lucida</i>	I
RIO BLANCO		
Black-footed ferret	<i>Mustela nigripes</i>	E
Bonytail*	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow©	<i>Ptychocheilus lucius</i>	E
Dudley Bluffs bladderpod	<i>Lesquerella congesta</i>	T
Dudley Bluffs twinpod	<i>Physaria obcordata</i>	I
Graham beardtongue	<i>Penstemon grahamii</i>	C
Humpback chub*	<i>Gila cypha</i>	E
Razorback sucker*	<i>Xyrauchen texanus</i>	F
White River beardtongue	<i>Penstemon scariosus</i> var. <i>albifluvis</i>	C
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
RIO GRANDE		
Canada lynx	<i>Lynx canadensis</i>	I
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T

Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
ROUTT		
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Humpback chub*	Gila cypha	E
Razorback sucker*	Xyrauchen texanus	E
Yellow-billed cuckoo	Coccyzus americanus	C
SAGUACHE		
Black-footed ferret	Mustela nigripes	E
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Humpback chub*	Gila cypha	E
Mexican spotted owl	Strix occidentalis lucida	T
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
SAN JUAN		
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
SAN MIGUEL		
Black-footed ferret	Mustela nigripes	E
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Humpback chub*	Gila cypha	F
Mexican spotted owl	Strix occidentalis lucida	I
Razorback sucker*	Xyrauchen texanus	F
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	I
Yellow-billed cuckoo	Coccyzus americanus	C

SEDGWICK		
Least tern (interior population)	<i>Sternula antillarum</i>	E
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Piping plover	<i>Charadrius melodus</i>	T
Whooping crane ▲	<i>Grus americana</i>	E
SUMMIT		
Bonytail*	<i>Gila elegans</i>	E
Canada lynx	<i>Lynx canadensis</i>	T
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	E
Humpback chub*	<i>Gila cypha</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Penland alpine fen mustard	<i>Eutrema penlandii</i>	T
Razorback sucker*	<i>Xyrauchen texanus</i>	E
Slender moonwort	<i>Botrychium lineare</i>	C
Uncompahgre fritillary butterfly	<i>Boloria acrocnema</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
TELLER		
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Pawnee montane skipper	<i>Hesperia leonardus montana</i>	T
Piping plover ▲	<i>Charadrius melodus</i>	T
Preble's meadow jumping mouse©	<i>Zapus hudsonius preblei</i>	T
Whooping crane ▲	<i>Grus americana</i>	E
WASHINGTON		
Black-footed ferret	<i>Mustela nigripes</i>	E
Least tern (interior population) ▲	<i>Sternula antillarum</i>	E
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Piping plover ▲	<i>Charadrius melodus</i>	T
Whooping crane ▲	<i>Grus americana</i>	E
WELD		
Black-footed ferret	<i>Mustela nigripes</i>	E
Colorado butterfly plant	<i>Gaura neomexicana</i> spp. <i>coloradensis</i>	T
Least tern (interior population) ▲	<i>Sternula antillarum</i>	T
Mexican spotted owl	<i>Strix occidentalis lucida</i>	T
Pallid sturgeon ▲	<i>Scaphirhynchus albus</i>	E
Piping plover ▲	<i>Charadrius melodus</i>	T
Preble's meadow jumping mouse	<i>Zapus hudsonius preblei</i>	T
Ute ladies'-tresses orchid	<i>Spiranthes diluvialis</i>	T
Whooping crane ▲	<i>Grus americana</i>	E

YUMA		
None		T

1 June\CC\SpeciesbyCounty\LstforWebPage08-07.doc 080907

BALL JANIK LLP

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**1455 F STREET NW Suite 225
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TELEPHONE: 202-648-3307

FACSIMILE: 202-783-6947

**KARL MURFLL
OF COUNSEL**

kmur@balljanik.com

September 21, 2007

**National Park Service
RTCA Program
1201 Eye Street, NW
9th Floor (Org Code 2240)
Washington, D C 20005**

**RE: Docket No. AB-857 (Sub-No. 1), Great Western Railway of
Colorado, LLC –Abandonment Exemption –In Weld County,
CO**

Dear Sir/Madam

Great Western Railway of Colorado, LLC ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2007, for GWRC to abandon its 6.2-mile line of railroad located between milepost 0.0, at Johnstown, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are notifying you of this proposed action so that you may assist us in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response which we can forward it to the STB.

BALL JANIK LLP

September 21, 2007

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Morell". The signature is fluid and cursive, with the first name "Karl" and last name "Morell" clearly distinguishable.

Karl Morell

Attorney for:

Great Western Railway of Colorado, LLC

Morell, Karl

From: Cherrl_Espersen@nps.gov
Sent Wednesday, October 03, 2007 10:43 AM
To: Morell, Karl
Subject: Docket No AB-857, Weld County, CO

Mr. Morell,

Thank you for your recent letter regarding Great Western Railway of Colorado's proposed abandonment of a 6.2-mile line of railroad located between milepost 0.0 at Johnstown and milepost 6.2 at Welty in Weld County, Colorado. I have no comments at this time, and cannot comment on potential effects on wildlife sanctuaries or refuges, State parks or forests.

Cherrl Espersen

Rivers, Trails and Conservation Assistance Program National Park Service

1849 C Street, NW (Org Code 2240)

Washington, DC 20240-0001

202-354-6920

202-371-5179 (fax)

[For visitors and deliveries, please use 1201 Eye St., NW, 9th floor, Org Code 2240, Washington, D.C. 20005]

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**KARI MORELL
OF COUNSEL**

kmorell@bjllp.com

September 21, 2007

**Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246**

**RE: Docket No. AB-857 (Sub-No. 1), Great Western Railway of
Colorado, LLC --Abandonment Exemption--In Weld County,
CO**

Dear Sir/Madam

Great Western Railway of Colorado, LLC ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2007, for GWRC to abandon its 6.2-mile line of railroad located between milepost 0.0, at Johnstown, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. GWRC does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

BALL JANIK LLP

September 21, 2007

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

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Karl Morell

Attorney for

Great Western Railway of Colorado, LLC

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TELEPHONE 202-638-3307
FAX/FIMILE 202-783-6947

KARL MORELL
OF COUNSEL

kmorell@bjllp.com

September 21, 2007

U S Environmental Protection Agency
999 18th Street
Suite 300
Denver, CO 80202-2466

**RE: Docket No. AB-857 (Sub-No. 1), Great Western Railway of
Colórado, I.L.C –Abandonment Exemption—In Weld County,
CO**

Dear Sir/Madam.

Great Western Railway of Colorado, I.L.C ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2007, for GWRC to abandon its 6.2-mile line of railroad located between milepost 0.0, at Johnstown, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. GWRC does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

BALL JANIK LLP

September 21, 2007

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Morell". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karl Morell

Attorney for

Great Western Railway of Colorado, LLC

BALL JANIK LLP

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EXHIBIT 7

**KARI MORRELL
OF COUNSEL**

kmorrell@bjllp.com

September 21, 2007

**U.S. Army Engineer, Omaha District
106 South 15th Street
Omaha, Nebraska 68102-1618**

**RE: Docket No. AB-857 (Sub-No. 1), Great Western Railway of
Colorado, LLC --Abandonment Exemption--In Weld County,
CO**

Dear Sir/Madam

Great Western Railway of Colorado, LLC ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2007, for GWRC to abandon its 6.2-mile line of railroad located between milepost 0.0, at Johnstown, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on designated wetlands or 100-year flood plains. GWRC does not believe any permits under Section 404 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

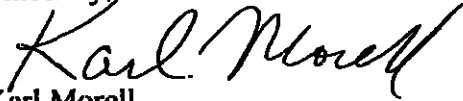
BAIL JANIK LLP

September 21, 2007

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me

Sincerely,

A handwritten signature in black ink that reads "Karl Morell". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Karl Morell

Attorney for

Great Western Railway of Colorado, LLC



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

November 16, 2007

Mr. Karl Morell, Esq.
Ball Janik LLP
1455 F Street, NW, Suite 225
Washington DC 20005

**RE: Docket No. AB-857 (Sub-N0 1), Great Western Railway of Colorado, LLC – Abandonment
Exemption – In Weld County, CO
Corps File No. NWO-2007-3567-DEN**

Dear Mr. Morell

Reference is made to the above-mentioned project located between milepost 0 0, at Johnstown and milepost 6 2, at Welty in Weld County, Colorado. This project was reviewed by Mr. Terry McKee of my office in accordance with Section 404 of the Clean Water Act. In addition, Mr. McKee reviewed the area for potential floodplains.

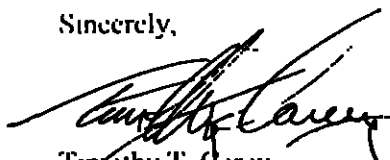
The subject 6.2-mile line of the Great Western Railway is not located within a designated floodplain. From a review of mapping for this area, it appears that the only potentially jurisdictional waters of the United States near the line are the Hillsboro Ditch and a small ephemeral tributary that flows to the ditch.

Based on the information provided, a Department of the Army (DA) Permit would likely not be required for work at this site. If, however, it is determined that work associated with this project requires the placement of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent, in an aquatic site, this office should be notified by a proponent of the project for an Approved Jurisdictional Determination of waters of the U.S.

Work in an aquatic site should be shown on a map identifying the Quarter Section, Township, Range and County of the work and the dimensions of work in each area. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

If there are any questions call Mr. Terry McKee of my office at 303-979-4120 and reference Corps File No. NWO-2007-3567-DEN.

Sincerely,



Timothy T. Carey
Chief, Denver Regulatory Office

tm

EXHIBIT E

HISTORIC REPORT (49 CFR SECTION 1105.8)

STB DOCKET NO. AB-857 (SUB-NO. 1X)

GREAT WESTERN RAILWAY OF COLORADO, LLC – ABANDONMENT EXEMPTION – IN WELD COUNTY, COLORADO

The Historic Report should contain the information required by Section 1105.7(e)(1) of the Environmental Report prepared for the proposed abandonment:

1. *Proposed Actions and Alternatives.* Describe the proposed action, including commodities transported, the planned disposition (if any) of the rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Great Western Railway of Colorado, LLC ("GWRC") proposes to abandon its Welty Branch located between milepost 0.0 at Johnstown, Colorado and milepost 6.2, at Welty, in Weld County Colorado, totaling approximately 6.2 miles (the "Line"). Upon receipt of abandonment authority, GWRC intends to remove the rail, track materials, and cross ties

During the removal of the track and track materials, GWRC does not anticipate the use of any access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the GWRC right-of-way should be needed to facilitate the salvage operations. In addition, there are no plans of disturbing the underlying roadbed. There are no bridges to be removed and no surrounding waterways.

The Line has not been used for local traffic in over 20 years and no maintenance has been performed on any portion of the Line. The Line is stub-ended and not capable of handling overhead traffic. Therefore, the proposed abandonment will not change rail freight operations or maintenance practices on this Line.

The only alternative to abandonment would be to not abandon the Line and pass the opportunity costs of retaining the Line to all other GWRC customers. Obviously, this would not be a prudent use of GWRC's resources. The Line is in extremely poor condition.

A map of the proposed abandonment is attached as Exhibit 1

HISTORIC REPORT

1. A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years or older and are part of the proposed action.

Two U.S. Geological Survey maps depicting the Line proposed for abandonment were supplied to the Colorado Office of Archaeology and Historic Preservation ("SHPO"). See Exhibit 2. There are no structures 50 years old or older associated with the abandonment of the Line.

2. A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area.

The Line branches off GWRC's mainline at the intersection of route 17 and N 2nd Street in Johnstown (population 3,827), extends in a southwesterly direction through Johnstown until it reaches route 15 and then extends westerly through a predominantly rural area to the end of the Line just west of Interstate Hwy 25. The basic rail corridor right-of-way is approximately 80 feet in width for the majority of the length of the Line.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years or older and of the immediate surrounding area.

There are no railroad structures on the Line that are 50 years old or older.

4. The date(s) of construction of the structure(s), and extent of any major alterations, to the extent such information is known.

There are no railroad structures on the Line that are 50 years old or older.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

GWRC is the successor to the Great Western Railway Company that constructed the Line sometime between 1901 and 1906 primarily to serve the sugar beet industry in the area. Subsequently, the Line was used to transport various agricultural products. The Line, however, has not been used for over 20 years. Because no traffic has moved over this Line in over 20 years, the proposed abandonment will not result in any change in rail operations.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

GWRC does not possess any such documents

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

The Line contains no historic structures and GWRC is unaware of any archeological resources or railroad historic properties along the Line.

On September 21, 2007, GWRC sent a letter to the SHPO eliciting their views on the proposed abandonment. See Exhibit 2. In response, the SHPO noted that the Line was determined eligible for the National Register of Historic Places in 1989. The SHPO was also of the view "that there are numerous railroad-related structures along the route, including signposts, signals, and trestles." See Exhibit 3.

GWRC is unaware of the Line's eligibility for the National Register. Also, GWRC is not aware of any structures along the Line that are owned by GWRC and that would be affected by the proposed abandonment. In any event, GWRC will work with the SHPO to resolve these matters.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

There are no existing records as to the nature any known subsurface ground disturbance or fill, or environmental condition that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

GWRC will work with the SHPO on the matters discussed above and will provide the SHPO whatever additional information is need in association with the proposed Line abandonment

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**KARI MORILL
OF COUNSEL**

kmorill@bjllp.com

September 21, 2007

**Colorado Archeology and Historic Preservation Office
1300 Broadway
Denver, Colorado 80203**

**RE: Docket No. AB-857 (Sub-No. 1), Great Western Railway of
Colorado, LLC --Abandonment Exemption -In Weld County,
CO**

Dear Sir/Madam:

Great Western Railway of Colorado, LLC ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2007, for GWRC to abandon its 6.2-mile line of railroad located between milepost 0.0, at Johnstown, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached. One of the requirements for this filing with the STB is that the carrier contact the State Historic Preservation Office regarding the proposed abandonment.

Enclosed are two U.S. Geological Survey maps depicting the area where the rail line is located. The proposed abandonment will involve the removal of the rail, track material, and cross-ties.

The rail line GWRC seeks to abandon is located in Weld County, Colorado. The line begins at milepost 0.0, at Johnstown, and extends generally in a westerly direction to the end of the line at milepost 6.2, at Welty. The line crosses through predominately flat, rural areas.

There are no structures 50 years old or older associated with the abandonment of the 6.2-mile rail line.

BALL JANIK LLP

September 21, 2007

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We will send you a copy of the Historic Report as soon as it is completed. If I can of further assistance regarding this matter, please call me at (202) 638-3307.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Morell". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Karl Morell

Attorney for

Great Western Railway of Colorado, LLC

Enclosures

15 October 2007

Karl Morell
Ball Janik LLP
1455 F Street, NW, Suite 225
Washington, DC 20005

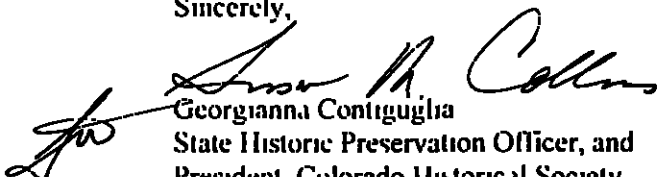
RE: Docket No. AB-857 (Sub No. 1), Great Western Railway of Colorado, Track Abandonment,
Johnstown to Welty, Weld County

Dear Mr. Morell

I thank you for your recent correspondence dated 21 September 2007, concerning the proposed abandonment of a 6.2-mile stretch of track between Johnstown and Welty. Our office has reviewed the submitted materials. This railroad line is more than fifty years old. This segment was determined to be eligible for the National Register of Historic Places in 1989. It appears that there are numerous railroad-related structures along the route, including signposts, signals, and trestles. These items are related to the railroad's significance and should be considered when planning the dissolution of the line. We look forward to reviewing your Historic Report when it is completed.

If you have any questions, please contact Joseph Saldihar, Architectural Services Coordinator, at (303) 866-3741.

Sincerely,


Georgianna Contiguglia
State Historic Preservation Officer, and
President, Colorado Historical Society